IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1822 of 2004

THE OREINTAL INSURANCE CO.LTD.HANUMANGAR
V/S
KAMALI & ANR.

Mr. ANIL BACHHAWAT, for the appellant / petitioner

Mr. VIKAS BALIA, for the respondent

Date of Order : 11.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The learned Tribunal while deciding issue no.3, has already found that appellant cannot be held liable for the victim who was passenger of the Tractor, and has further held that appellant is entitled to recover the entire amount from the defendant nos.1 & 2.

In that view of the matter, in view of Judgments of Hon'ble Supreme Court in **Oriental Insurance Co. Ltd. Vs. Nanjappan & ors.** reported in 2004 ACJ, 721, and **Pramod Kumar Agrawal and anr. Vs. Mushtari Begum (Smt.) and ors.** reported in (2004)8 SCC,667, no interference is required to be made. However, it is made clear that after the amount is deposited by the appellant, requisite steps as directed by Hon'ble Supreme Court in aforesaid Oriental Insurance Co. Ltd. (supra), and Pramod Kumar Agrawal's (supra) cases, may be taken by the learned Tribunal before releasing amount to the claimant.

The appeal is, therefore, dismissed summarily with the aforesaid direction.

(N P GUPTA),J.

/Srawat/